

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-990V

Filed: January 9, 2015

Not for Publication

TRACY CZUPRYNSKI

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Influenza Vaccine (“flu”);
Shoulder Injury Related to
Vaccine Administration (“SIRVA”);
Special Processing Unit (“SPU”)

Meredith Daniels, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner.
Debra Filteau Begley, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On October 15, 2014, Tracy Czuprynski (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² [the “Vaccine Act” or “Program”]. The petition alleges that as a result of receiving an influenza (“flu”) vaccination on October 2, 2012, petitioner suffered a “shoulder injury related to vaccine administration” (“SIRVA”). Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 8, 2015, respondent filed her Rule 4(c) Report [“Respondent’s Report”], in which she concedes that petitioner is entitled to compensation in this case.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, it will be posted on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

Respondent's Report at 5-6. Specifically, respondent submits that "a preponderance of evidence establishes that the injury to petitioner's left shoulder was caused by the administration of her October 2, 2012 flu vaccine, and that petitioner's injury is not due to factors unrelated to the administration of the October 2, 2012 flu vaccine . . . In light of the information contained in petitioner's medical records, respondent has concluded that her left shoulder injury is compensable as a "cause-in-fact" injury under the Act." *Id.* at 5-6 (citations omitted).

In view of respondent's concession and the evidence before me, I find that petitioner is entitled to compensation.

s/Denise K. Vowell

Denise K. Vowell
Chief Special Master